

Union Calendar No. 460

104TH CONGRESS
2D Session

H. R. 2086

[Report No. 104-847]

A BILL

To increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans.

SEPTEMBER 26, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Union Calendar No. 460

104TH CONGRESS
2D SESSION

H. R. 2086

[Report No. 104–847]

To increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 1995

Mr. SHAYS (for himself and Mr. CLINGER) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

SEPTEMBER 26, 1996

Additional sponsors: Mr. DAVIS, Mr. CALVERT, Mr. CUNNINGHAM, Mr. BLUTE, and Mr. BEREUTER

Deleted sponsor: Mr. GENE GREEN of Texas (added September 29, 1995; deleted May 9, 1996)

SEPTEMBER 26, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 20, 1995]

A BILL

To increase the overall economy and efficiency of Government operations and enable more efficient use of Federal fund-

ing, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Local Empowerment*
 5 *and Flexibility Act of 1996”.*

6 **SEC. 2. FINDINGS.**

7 *The Congress finds that—*

8 *(1) many Federal programs have addressed the*
 9 *Nation’s problems by providing categorical financial*
 10 *assistance with detailed requirements relating to the*
 11 *use of funds;*

12 *(2) although Federal financial assistance has*
 13 *been directed at critical national needs, some inflexi-*
 14 *ble program requirements impede the effective delivery*
 15 *of services;*

16 *(3) State, local, and tribal governments and pri-*
 17 *vate, nonprofit organizations are dealing with in-*
 18 *creasingly complex problems that require the delivery*
 19 *of services in many different ways;*

20 *(4) the Nation’s communities are diverse, and*
 21 *national needs often require different solutions in dif-*
 22 *ferent communities;*

1 (5) *many recipients of Federal financial assist-*
2 *ance have innovative planning and public involve-*
3 *ment strategies for providing services which, if given*
4 *sufficient flexibility to integrate Federal financial as-*
5 *sistance from multiple programs or with State, local,*
6 *tribal, or private, nonprofit programs, could be used*
7 *to maximize the effectiveness and efficiency of Federal*
8 *financial assistance; and*

9 (6) *it is more important than ever to—*

10 (A) *promote more effective and efficient de-*
11 *livery of government services to meet the needs of*
12 *individuals, families, and communities;*

13 (B) *respond flexibly to national needs in the*
14 *Nation's diverse communities;*

15 (C) *reduce the barriers between programs*
16 *that impede the ability of State, local, and tribal*
17 *governments and private, nonprofit organiza-*
18 *tions to effectively deliver services, and meet na-*
19 *tional as well as community objectives;*

20 (D) *coordinate the delivery of programs and*
21 *services by administering agencies; and*

22 (E) *allow State, local, and tribal govern-*
23 *ments and private, nonprofit organizations to be*
24 *innovative in creating solutions to address na-*

1 *tional policy goals in ways that recognize the di-*
2 *versity of our Nation's communities.*

3 **SEC. 3. PURPOSES.**

4 *The purposes of this Act are to—*

5 *(1) ensure the more efficient use of Federal,*
6 *State, local, and tribal resources through program*
7 *flexibility and coordination;*

8 *(2) place emphasis in Federal programs on*
9 *achieving Federal policy goals;*

10 *(3) remove Federal impediments to local service*
11 *delivery;*

12 *(4) enable State, local, and tribal governments*
13 *and private, nonprofit organizations to adapt pro-*
14 *grams of Federal financial assistance to the particu-*
15 *lar circumstances of their communities, by—*

16 *(A) integrating appropriate Federal finan-*
17 *cial assistance programs into flexibility or co-*
18 *ordination plans that increase the effectiveness*
19 *and efficiency of those programs in their commu-*
20 *nities;*

21 *(B) simplifying procedures across Federal*
22 *programs to avoid needless duplication, overlap,*
23 *and cost; and*

1 (C) *authorizing Federal officials to waive*
2 *some program requirements when necessary to*
3 *enhance the delivery of services; and*

4 (5) *encourage State, local, and tribal govern-*
5 *ments and private, nonprofit organizations to work*
6 *together to build stronger cooperative partnerships to*
7 *address critical needs and problems.*

8 **SEC. 4. DEFINITIONS.**

9 *For purposes of this Act:*

10 (1) *APPROVED FLEXIBILITY OR COORDINATION*
11 *PLAN.—The term “approved flexibility or coordina-*
12 *tion plan” means a flexibility or coordination plan*
13 *(or part of such a plan) that is approved by the Com-*
14 *munity Empowerment Board under section 8, and for*
15 *which the President certifies that approval under sec-*
16 *tion 8(g).*

17 (2) *BOARD.—The term “Board” means the Com-*
18 *munity Empowerment Board established under sec-*
19 *tion 6.*

20 (3) *COMMUNITY ADVISORY COMMITTEE.—The*
21 *term “community advisory committee” means such a*
22 *committee established or designated by an eligible ap-*
23 *plicant in accordance with section 10.*

24 (4) *COVERED FEDERAL FINANCIAL ASSISTANCE*
25 *PROGRAM.—The term “covered Federal financial as-*

1 *sistance program” means an eligible Federal finan-*
 2 *cial assistance program that is included in a flexibil-*
 3 *ity or coordination plan of an eligible applicant.*

4 (5) *ELIGIBLE APPLICANT.—The term “eligible*
 5 *applicant” means—*

6 (A) *a State, local, or tribal government, or*
 7 *qualified organization that is eligible to receive*
 8 *financial assistance under 1 or more eligible*
 9 *Federal financial assistance programs; or*

10 (B) *a qualified consortium.*

11 (6) *ELIGIBLE FEDERAL FINANCIAL ASSISTANCE*
 12 *PROGRAM.—The term “eligible Federal financial as-*
 13 *sistance program”—*

14 (A) *except as provided in subparagraph*
 15 (C), *means a domestic assistance program (as*
 16 *defined under section 6101(4) of title 31, United*
 17 *States Code) under which financial assistance is*
 18 *available, directly or indirectly, to eligible appli-*
 19 *cants;*

20 (B) *includes any component of a program*
 21 *described in subparagraph (C), under which fi-*
 22 *nancial assistance is provided to pay adminis-*
 23 *trative costs if the level of Federal funding for*
 24 *those costs is, by statute or regulation, estab-*

lished separately from the level of Federal funding for benefits provided under the program; and

(C) except as provided in subparagraph (B), does not include a program carried out with direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)).

(7) *FLEXIBILITY OR COORDINATION PLAN.*—The term “flexibility or coordination plan” means a comprehensive plan for the integration and administration by an eligible applicant of financial assistance provided by the Federal Government under 2 or more eligible Federal financial assistance programs, that—

(A) combines funds from Federal, State, local, or tribal government or private sources to address the service needs of a community; or

(B) is a strategic plan submitted in an application for designation as an enterprise community or an empowerment zone under section 1391 of the Internal Revenue Code of 1986 (26 U.S.C. 1391).

(8) *LOCAL GOVERNMENT.*—The term “local government” means—

(A) a political subdivision of a State that is a unit of general local government (as defined

1 *under section 6501 of title 31, United States*
 2 *Code);*

3 *(B) any combination of political subdivi-*
 4 *sions described in subparagraph (A) that sub-*
 5 *mits an application to the Board; or*

6 *(C) a local education agency (as defined*
 7 *under section 14101(18) of the Elementary and*
 8 *Secondary Education Act of 1965 (20 U.S.C.*
 9 *8801(18)).*

10 *(9) PRIORITY FUNDING.—The term “priority*
 11 *funding” means giving higher priority (including by*
 12 *the assignment of extra points, if applicable) to appli-*
 13 *cations for Federal financial assistance submitted by*
 14 *an eligible applicant pursuant to this Act.*

15 *(10) QUALIFIED CONSORTIUM.—The term*
 16 *“qualified consortium” means a group that—*

17 *(A) is composed of any combination of*
 18 *eligible applicants described in paragraph*
 19 *(5)(A); and*

20 *(B) includes not less than 3 eligible ap-*
 21 *plicants described in paragraph (5)(A) that*
 22 *provide services under eligible Federal fi-*
 23 *nancial assistance programs in not less*
 24 *than 3 of the following areas:*

25 *(i) Education.*

1 (ii) *Head Start.*

2 (iii) *Child care.*

3 (iv) *Family support and preser-*
4 *vation.*

5 (v) *Maternal and child health.*

6 (vi) *Job training.*

7 (vii) *Housing.*

8 (viii) *Nutrition.*

9 (ix) *Juvenile justice.*

10 (x) *Drug abuse prevention and*
11 *treatment.*

12 (xi) *Community and economic de-*
13 *velopment.*

14 (11) *QUALIFIED ORGANIZATION.*—*The term*
15 *“qualified organization” means a private, nonprofit*
16 *organization described in section 501(c)(3) of the In-*
17 *ternal Revenue Code of 1986 (26 U.S.C. 501(c)(3))*
18 *that is exempt from taxation under section 501(a) of*
19 *the Internal Revenue Code of 1986 (26 U.S.C.*
20 *501(a)).*

21 (12) *STATE.*—*The term “State” means each of*
22 *the 50 States, the District of Columbia, Puerto Rico,*
23 *American Samoa, Guam, the Northern Mariana Is-*
24 *lands, and the Virgin Islands.*

1 (13) *STATE LEGISLATIVE OFFICIAL*.—The term
2 “State legislative official” means—

3 (A) the majority leader of a chamber of a
4 State legislature; and

5 (B) the minority leader of a chamber of a
6 State legislature.

7 (14) *TRIBAL GOVERNMENT*.—The term “tribal
8 government” means the governing entity of an Indian
9 tribe, as that term is defined in the Federally Recog-
10 nized Tribe List Act of 1994 (25 U.S.C. 479a).

11 **SEC. 5. PROVISION OF FEDERAL FINANCIAL ASSISTANCE IN**
12 **ACCORDANCE WITH APPROVED FLEXIBILITY**
13 **OR COORDINATION PLAN.**

14 Notwithstanding any other law, amounts available to
15 an eligible applicant under a covered Federal financial as-
16 sistance program included in an approved flexibility or co-
17 ordination plan shall be paid and administered in the man-
18 ner specified in the approved flexibility or coordination
19 plan.

20 **SEC. 6. ESTABLISHMENT OF COMMUNITY EMPOWERMENT**
21 **BOARD.**

22 (a) *IN GENERAL*.—There is established a Community
23 Empowerment Board, which shall consist of—

24 (1) the Secretary of Housing and Urban Devel-
25 opment,

- 1 (2) *the Secretary of Health and Human Serv-*
- 2 *ices,*
- 3 (3) *the Secretary of Agriculture,*
- 4 (4) *the Secretary of Transportation,*
- 5 (5) *the Secretary of Education,*
- 6 (6) *the Secretary of Commerce,*
- 7 (7) *the Secretary of Labor,*
- 8 (8) *the Secretary of the Treasury,*
- 9 (9) *the Attorney General,*
- 10 (10) *the Secretary of the Interior,*
- 11 (11) *the Secretary of Energy,*
- 12 (12) *the Secretary of Veterans Affairs,*
- 13 (13) *the Secretary of Defense,*
- 14 (14) *the Director of the Federal Emergency Man-*
- 15 *agement Agency,*
- 16 (15) *the Administrator of the Environmental*
- 17 *Protection Agency,*
- 18 (16) *the Director of National Drug Control Pol-*
- 19 *icy,*
- 20 (17) *the Administrator of the Small Business*
- 21 *Administration,*
- 22 (18) *the Director of the Office of Management*
- 23 *and Budget, and*
- 24 (19) *the Administrator of General Services.*

1 (b) *CHAIR.*—*The President shall designate the Chair*
2 *of the Board from among its members.*

3 (c) *FUNCTIONS.*—*The Board shall—*

4 (1) *receive, review, and approve or disapprove*
5 *flexibility or coordination plans in accordance with*
6 *section 8;*

7 (2) *establish interagency teams to provide train-*
8 *ing and technical assistance to eligible applicants,*
9 *comprised of representatives of the agencies that ad-*
10 *minister eligible Federal financial assistance pro-*
11 *grams;*

12 (3) *monitor the progress of development and im-*
13 *plementation of flexibility or coordination plans;*

14 (4) *review regulations governing, and identify*
15 *more efficient operation and coordination of, eligible*
16 *Federal financial assistance programs in the areas*
17 *of—*

18 (A) *education;*

19 (B) *Head Start;*

20 (C) *child care;*

21 (D) *family support and preservation;*

22 (E) *maternal and child health;*

23 (F) *job training;*

24 (G) *housing;*

25 (H) *nutrition;*

1 (I) juvenile justice;

2 (J) drug abuse prevention and treatment;

3 and

4 (K) community and economic development;

5 (5) coordinate and assist Federal agencies in
6 eliminating, revising, and coordinating regulations
7 under eligible Federal financial assistance programs;

8 (6) coordinate and assist Federal agencies in cre-
9 ating a uniform application to be used to apply for
10 assistance under eligible Federal financial assistance
11 programs in the areas listed in paragraph (4);

12 (7) coordinate and assist Federal agencies in cre-
13 ating a release form to be used to obtain consent from
14 beneficiaries under eligible Federal financial assist-
15 ance programs to facilitate, where appropriate and
16 otherwise lawful, the sharing of information across
17 such programs;

18 (8) coordinate and assist agencies in creating a
19 system under which an eligible applicant may use one
20 proposal to apply for funding under multiple eligible
21 Federal financial assistance programs; and

22 (9) evaluate current performance standards and
23 evaluation criteria for eligible Federal financial as-
24 sistance programs, and make specific recommenda-
25 tions to agencies regarding how to revise such stand-

1 *ards and criteria in order to establish specific and*
2 *measurable performance and outcome measures upon*
3 *which program success and success of approved flexi-*
4 *bility or coordination plans may be judged and future*
5 *funding decisions may be made.*

6 *(d) FLEXIBILITY COUNCILS.—*

7 *(1) IN GENERAL.—The Chair of the Board may*
8 *appoint a Flexibility Council to review any applica-*
9 *tion for approval of a flexibility or coordination plan.*
10 *The Flexibility Council shall consist of 5, 7, or 9*
11 *members of the Board, and shall include the Board*
12 *members representing the departments most affected*
13 *by the flexibility or coordination plan for which the*
14 *council is appointed. The Flexibility Council shall re-*
15 *view the plan under section 8 and make recommenda-*
16 *tions to the Board regarding approval or disapproval*
17 *of all or part of the plan.*

18 *(2) AUTHORITY TO APPROVE PLANS.—The Board*
19 *may delegate to a Flexibility Council the authority of*
20 *the Board under section 8 to approve or disapprove*
21 *the flexibility or coordination plan for which it is ap-*
22 *pointed, if the application for approval of the plan—*

23 *(A) does not contain a request for a waiver*
24 *under section 8; or*

1 (B) only contains requests for waivers
 2 under section 8 for which alternative measures
 3 are not required under section 8(d)(5).

4 (e) *GUIDANCE AND OTHER MATERIALS.*—The Board
 5 shall—

6 (1) issue guidance to implement this Act within
 7 180 days after the date of enactment of this Act; and

8 (2) issue other subsequent materials that may as-
 9 sist eligible applicants in the development and imple-
 10 mentation of flexibility or coordination plans.

11 **SEC. 7. APPLICATION FOR APPROVAL OF FLEXIBILITY OR**
 12 **COORDINATION PLAN.**

13 (a) *IN GENERAL.*—An eligible applicant may submit
 14 to the Board in accordance with this section an application
 15 for approval of a flexibility or coordination plan.

16 (b) *CONTENTS OF APPLICATION.*—An application sub-
 17 mitted under this section shall include—

18 (1) a proposed flexibility or coordination plan
 19 that complies with subsection (c);

20 (2) written certification by the chief executive of
 21 the applicant, or in the case of a qualified consortium
 22 by the chief executive officer of each eligible applicant
 23 that is a member of the consortium, and such addi-
 24 tional assurances as may be required by the Board,
 25 that—

1 (A) the applicant has the ability, authority,
2 and resources to implement the proposed plan,
3 throughout the geographic area in which the pro-
4 posed plan is intended to apply; and

5 (B) amounts are available from non-Federal
6 sources to pay the non-Federal share of all cov-
7 ered Federal financial assistance programs in-
8 cluded in the proposed plan;

9 (3) all comments on the proposed plan submitted
10 under subsection (d) by a Governor or State legisla-
11 tive official of a State or a chief executive of a local
12 or tribal government that would be directly affected
13 by implementation of the proposed plan, and the ap-
14 plicant's responses to those comments;

15 (4) public comments on the proposed plan, in-
16 cluding the transcript of at least 1 public hearing and
17 comments of the appropriate community advisory
18 committee designated or established under section 10
19 for the plan; and

20 (5) other relevant information the Board deter-
21 mines, after consultation with the applicant, to be
22 necessary to approve the proposed plan.

23 (c) *CONTENTS OF PLAN.*—A flexibility or coordination
24 plan submitted under this section shall include—

25 (1) a brief description of the plan;

1 (2) *the geographic area to which the plan would*
2 *apply and the rationale for selecting the area;*

3 (3) *the agencies and organizations that will col-*
4 *laborate to provide services and benefits under the*
5 *plan;*

6 (4) *the particular groups of individuals, by serv-*
7 *ice needs, economic circumstances, or other defining*
8 *factors, who would receive services and benefits under*
9 *the plan;*

10 (5)(A) *general goals and measurable performance*
11 *criteria, and a description of how the plan is expected*
12 *to attain those goals and criteria;*

13 (B) *a description of how performance shall be*
14 *measured; and*

15 (C) *a system for the comprehensive evaluation of*
16 *the impact of the plan on the community in the geo-*
17 *graphic area covered by the plan, and of program*
18 *costs, that shall include—*

19 (i) *a list of goals to improve the community*
20 *and the lives of its citizens;*

21 (ii) *a list of goals identified by the State in*
22 *which the plan is to be implemented, except that*
23 *if no such goals have been established by the*
24 *State the plan may propose the goals; and*

25 (iii) *a description of how the plan will—*

1 (I) attain the goals listed under clause

2 (ii);

3 (II) measure performance;

4 (III) collect and maintain data;

5 (IV) identify specific subgroups of in-
6 dividuals within the geographic area cov-
7 ered by the plan; and

8 (V) measure the impact of the plan on
9 those subgroups;

10 (6) the eligible Federal financial assistance pro-
11 grams included in the plan as covered Federal finan-
12 cial assistance programs and the specific benefits to
13 be provided under the plan under such programs, in-
14 cluding—

15 (A) criteria for determining eligibility for
16 benefits under the plan;

17 (B) the services to be made available or ac-
18 tivities to be undertaken;

19 (C) the amounts and form (such as cash, in-
20 kind contributions, or financial instruments) of
21 nonservice benefits; and

22 (D) any other descriptive information the
23 Board considers necessary to approve the plan;

24 (7) any Federal statutory or regulatory require-
25 ment applicable under a covered Federal financial as-

1 *sistance program included in the plan, the waiver of*
2 *which is necessary to implement the plan, and jus-*
3 *tification for the waiver, except that if the applicant*
4 *is uncertain whether a waiver or waivers are required*
5 *the applicant may request that the Board make such*
6 *a determination after the application is accepted for*
7 *consideration;*

8 *(8) any State, local, or tribal statutory, regu-*
9 *latory, or other requirement, the waiver of which is*
10 *necessary to implement the plan, and indicia of com-*
11 *mitments by the relevant State, local, or tribal gov-*
12 *ernments to grant such waivers;*

13 *(9) fiscal control and related accountability pro-*
14 *cedures applicable under the plan;*

15 *(10) a description of the sources of all non-Fed-*
16 *eral funds that are required to carry out covered Fed-*
17 *eral financial assistance programs included in the*
18 *plan, and indicia of commitments to provide those*
19 *funds;*

20 *(11) written certification from each State, local,*
21 *or tribal government for which certification is re-*
22 *quired under subsection (b)(2);*

23 *(12) the estimated duration of any additional*
24 *planning, training, or system development period*
25 *that is required between approval of the plan and im-*

1 *plementation of any waivers approved by the Board;*
 2 *and*

3 *(13) other relevant information the Board may*
 4 *require to approve the plan.*

5 *(d) PROCEDURE FOR APPLYING.—*

6 *(1) SUBMISSION TO AFFECTED STATE AND LOCAL*
 7 *GOVERNMENTS.—An eligible applicant that is not a*
 8 *State shall, at least 60 days before submitting an ap-*
 9 *plication for approval of a proposed flexibility or co-*
 10 *ordination plan to the Board, submit the plan to—*

11 *(A) the Governor and each State legislative*
 12 *official of each State that the applicant considers*
 13 *to be directly affected by the plan;*

14 *(B) the chief State school officer of each*
 15 *State that the applicant considers to be directly*
 16 *affected by the plan, if the constitution of the*
 17 *State—*

18 *(i) provides for the election of such an*
 19 *official by the voters in the State; and*

20 *(ii) vests primary authority over edu-*
 21 *cation programs of the State in such an of-*
 22 *ficer; and*

23 *(C) each tribal government that the appli-*
 24 *cant considers to be directly affected by the plan.*

1 (2) *ACTION BY AFFECTED GOVERNMENT.*—*Each*
2 *person that receives an application submitted under*
3 *paragraph (1) may, by no later than 60 days after*
4 *the date of that receipt—*

5 *(A) prepare comments on the proposed flexi-*
6 *bility or coordination plan included in the ap-*
7 *plication, including a statement of approval or*
8 *disapproval of all or any part of the plan;*

9 *(B) describe and make commitments to*
10 *waive any State or local laws or other require-*
11 *ments that are necessary for successful imple-*
12 *mentation of the proposed plan;*

13 *(C) describe and make commitments to pro-*
14 *vide any financial and technical support that is*
15 *necessary for successful implementation of the*
16 *proposed plan; and*

17 *(D) submit the comments and commitments*
18 *to the eligible applicant.*

19 (3) *SUBMITTAL TO BOARD.*—*If the Governor or*
20 *a State legislative official of a State or the chief exec-*
21 *utive officer of a local government—*

22 *(A) fails to act within 60 days after receiv-*
23 *ing an application under paragraph (1);*

1 (B) does not make and submit to the eligible
2 applicant the commitments referred to in para-
3 graph (2)(A) and (B); or

4 (C) disagrees with all or part of the pro-
5 posed flexibility or coordination plan;

6 the eligible applicant may submit the application to
7 the Board if the application is amended as necessary
8 for the successful implementation of the proposed plan
9 without cooperation of the State or local government,
10 including by adding a discussion regarding the abil-
11 ity of the proposed flexibility or coordination plan to
12 meet plan goals and satisfy performance criteria in
13 the absence of statutory and regulatory waivers and
14 financial and technical support from the State or
15 local government.

16 (e) *TREATMENT AS APPLICATION FOR COVERED FED-*
17 *ERAL FINANCIAL ASSISTANCE PROGRAM.*—Notwithstand-
18 *ing any other provision of law, an application for approval*
19 *under this Act of a flexibility or coordination plan—*

20 (1) *shall be considered by each affected agency as*
21 *an application for assistance under each covered Fed-*
22 *eral financial assistance program included in the*
23 *plan; and*

24 (2) *shall be given priority consideration for*
25 *funding under that program.*

1 **SEC. 8. REVIEW AND APPROVAL OF FLEXIBILITY OR CO-**
 2 **ORDINATION PLANS AND WAIVER REQUESTS.**

3 (a) *FLEXIBILITY OR COORDINATION PLANS ACCEPTED*
 4 *FOR REVIEW.*—*The Board shall review at least the first 50*
 5 *applications submitted under section 7(a) each year. The*
 6 *Board—*

7 (1) *shall give priority consideration to applica-*
 8 *tions that—*

9 (A) *are submitted from communities that*
 10 *applied for designation as an enterprise commu-*
 11 *nity or an empowerment zone under section*
 12 *1391 of the Internal Revenue Code of 1986;*

13 (B) *coordinate covered Federal financial as-*
 14 *sistance programs in at least 3 of the areas of—*

15 (i) *education;*

16 (ii) *Head Start;*

17 (iii) *child care;*

18 (iv) *family support and preservation;*

19 (v) *maternal and child health;*

20 (vi) *job training;*

21 (vii) *housing;*

22 (viii) *nutrition;*

23 (ix) *juvenile justice;*

24 (x) *drug abuse prevention and treat-*
 25 *ment; and*

1 (xi) community and economic develop-
2 ment; or

3 (C) are reviewable by a Flexibility Council
4 under section 6(d); and

5 (2) may develop criteria to govern the factors to
6 be applied in determining which additional applica-
7 tions it reviews after the first 50 each year.

8 (b) REVIEW OF APPLICATIONS.—Upon acceptance of
9 an application for review under this section, the Board
10 shall—

11 (1) notify the applicant of the Board’s accept-
12 ance of the application for review and the procedures
13 for consultation with the applicant during the review
14 process;

15 (2) by a majority vote, approve or disapprove all
16 or part of the plan within 120 days after accepting
17 the plan for review, except that the Board may extend
18 this period by another 60 days if—

19 (A) the Board determines through consulta-
20 tion with affected Federal agencies that a waiver
21 of 1 or more Federal statutory or regulatory re-
22 quirements is necessary to implement the plan;

23 (B) the Board determines that additional
24 information or clarification is needed from the

1 applicant to make a decision regarding the ap-
2 plication; or

3 (C) the applicant requests additional time
4 to strengthen its application because of informa-
5 tion that it has obtained from the Board;

6 (3) notify the applicant in writing of that ap-
7 proval or disapproval by not later than 15 days after
8 the date of that approval or disapproval of certifi-
9 cation by the President under subsection (g); and

10 (4) in the case of any disapproval of a plan, in-
11 clude a written justification of the reasons for dis-
12 approval in the notice of disapproval sent to the ap-
13 plicant.

14 (c) APPROVAL OF PLANS.—

15 (1) IN GENERAL.—The Board may approve a
16 flexibility or coordination plan for which an applica-
17 tion is submitted by an eligible applicant under this
18 Act, or any part of such a plan, if the Board deter-
19 mines that—

20 (A) the plan or part will improve the effec-
21 tiveness and efficiency of providing benefits
22 under covered Federal financial assistance pro-
23 grams included in the plan or part by reducing
24 administrative inflexibility, duplication, and
25 unnecessary expenditures;

1 (B) the plan or part does not result in a
2 qualitative reduction in services or benefits pro-
3 vided to individuals and families that receive
4 benefits under covered Federal financial assist-
5 ance programs under the plan or part;

6 (C) the eligible applicant has adequately
7 considered, and the plan or part appropriately
8 addresses, any effect that administration of each
9 covered Federal financial assistance program
10 under the plan or part will have on administra-
11 tion of the other covered Federal financial assist-
12 ance programs under the plan or part;

13 (D) the eligible applicant has or is develop-
14 ing data bases, planning, and evaluation proc-
15 esses for determining whether implementing the
16 plan or part includes the specific goals, measur-
17 able performance criteria, comprehensive evalua-
18 tion system, and other matters required under
19 section 7(c)(5);

20 (E) the plan or part will more effectively
21 achieve the general goals of each covered Federal
22 financial assistance program under the plan or
23 part at the State, local, and tribal level and will
24 better meet the needs of State, local, and tribal
25 citizens;

1 (F) implementation of the plan or part will
2 achieve the purposes of this Act and of each cov-
3 ered Federal financial assistance program under
4 the plan or part;

5 (G) the plan or part and the application for
6 approval of the plan comply with the require-
7 ments of this Act;

8 (H) the eligible applicant has—

9 (i) waived the requirements of its own
10 laws and regulations the waiver of which is
11 necessary for implementation of the plan or
12 part; and

13 (ii) obtained commitments for any ad-
14 ditional necessary waivers from other State,
15 local, or tribal governments;

16 (I) Federal funds made available under the
17 plan or part will not supplant non-Federal
18 funds for existing services and activities that
19 promote the goals of the plan or part; and

20 (J) none of the Federal or non-Federal
21 funds used under the plan or part will be used—

22 (i) to pay the non-Federal share of ac-
23 tivities under programs that are not covered
24 Federal financial assistance programs
25 under the plan or part; or

1 (ii) to meet maintenance of effort re-
2 quirements of such an activity.

3 (2) *LIMITATION ON AUTHORITY TO APPROVE*
4 *CERTAIN PARTS OF PLANS.*—*The Board may not ap-*
5 *prove a part of a flexibility or coordination plan—*

6 (A) *if implementation of that part would*
7 *result in any increase in the total amount of ob-*
8 *ligations or outlays of discretionary appropria-*
9 *tions or direct spending under covered Federal*
10 *financial assistance programs included in that*
11 *part, over the amounts of such obligations and*
12 *outlays that would occur under those programs*
13 *without implementation of that part; or*

14 (B) *in the case of a part that applies to as-*
15 *sistance to a qualified organization under an eli-*
16 *gible Federal financial assistance program, if the*
17 *qualified organization does not consent in writ-*
18 *ing to the receipt of that assistance in accord-*
19 *ance with the part.*

20 (3) *REQUIREMENT TO DISAPPROVE PART.*—*The*
21 *Board shall disapprove a part of a flexibility or co-*
22 *ordination plan if the Board determines that the part*
23 *fails to comply with paragraph (1).*

24 (4) *SPECIFICATION OF PERIOD OF EFFECTIVE-*
25 *NESS.*—

1 (A) *IN GENERAL.*—*In approving any part*
 2 *of a flexibility or coordination plan, the Board*
 3 *shall specify the period during which the part is*
 4 *effective, which—*

5 (i) *may not begin before the date the*
 6 *President certifies approval of the plan*
 7 *under subsection (g); and*

8 (ii) *in no case shall be greater than the*
 9 *5-year period beginning on the date of that*
 10 *certification.*

11 (B) *EFFECTIVENESS AFTER TERMINATION*
 12 *OF THIS ACT.*—*An approved flexibility or coordi-*
 13 *nation plan (or part of a plan) shall be effective*
 14 *for the period of time specified by the Board, re-*
 15 *gardless of whether that time extends beyond the*
 16 *date of the termination of the effectiveness of this*
 17 *Act under section 14.*

18 (C) *EFFECTIVE PERIOD SHORTER THAN*
 19 *PROPOSED.*—*The Board may specify an effective*
 20 *period for an approved flexibility or coordina-*
 21 *tion plan (or part of a plan) that is shorter than*
 22 *a period proposed by the eligible applicant for*
 23 *the plan.*

24 (d) *WAIVERS OF FEDERAL REQUIREMENTS.*—

1 (1) *IN GENERAL.*—*Subject to the limitations in*
2 *paragraphs (2), (3), (4), (5), and (6), the Board may*
3 *waive any statutory or regulatory requirement of a*
4 *covered Federal financial assistance program included*
5 *in an approved flexibility or coordination plan, and*
6 *any procedural, administrative, or reporting require-*
7 *ment of a statute or regulation generally applicable*
8 *to eligible Federal financial assistance programs, if*
9 *that waiver is reasonably necessary for implementa-*
10 *tion of the plan.*

11 (2) *EFFECTIVE PERIOD OF WAIVER.*—*A waiver*
12 *under this subsection shall terminate on the earlier*
13 *of—*

14 (A) *the expiration of a period that shall be*
15 *specified by the Board in making the waiver,*
16 *and that may not exceed the 5-year period begin-*
17 *ning on the effective date of the waiver; or*

18 (B) *any date on which the flexibility or co-*
19 *ordination plan for which the waiver is granted*
20 *ceases to be effective.*

21 (3) *REQUIREMENTS THAT MAY NOT BE*
22 *WAIVED.*—*The Board may not waive under this sub-*
23 *section—*

24 (A) *any requirement that enforces any con-*
25 *stitutional right;*

1 (B) any requirement under—

2 (i) title VI of the Civil Rights Act of
3 1964 (42 U.S.C. 2000d et seq.);

4 (ii) section 504 of the Rehabilitation
5 Act of 1973 (29 U.S.C. 701 et seq.);

6 (iii) title IX of the Education Amend-
7 ments of 1972 (86 Stat. 373 et seq.);

8 (iv) the Age Discrimination Act of
9 1975 (42 U.S.C. 6101 et seq.);

10 (v) the Americans with Disabilities Act
11 of 1990 (42 U.S.C. 12101 et seq.);

12 (vi) the Fair Housing Act (42 U.S.C.
13 3601 et seq.); or

14 (vii) the Individuals With Disabilities
15 Education Act (20 U.S.C. 1400 et seq.); or

16 (C) any requirement that enforces any other
17 civil right or nondiscrimination provision, in-
18 cluding any right under—

19 (i) title VII of the Civil Rights Act of
20 1964 (42 U.S.C. 2000e et seq.);

21 (ii) the Equal Pay Act of 1963 (29
22 U.S.C. 206(d)); or

23 (iii) the Age Discrimination in Em-
24 ployment Act of 1967 (29 U.S.C. 621 et
25 seq.).

1 (4) *WAIVERS THAT MAY NOT BE GRANTED.—The*
2 *Board may not waive under this subsection a require-*
3 *ment if—*

4 (A) *the waiver would—*

5 (i) *diminish national labor relations*
6 *or labor standards;*

7 (ii) *diminish national environmental*
8 *standards;*

9 (iii) *diminish educational equality or*
10 *opportunity;*

11 (iv) *create a threat to public health or*
12 *safety;*

13 (v) *diminish financial management re-*
14 *quirements or impair the Federal Govern-*
15 *ment's position regarding loans or loan*
16 *guarantees;*

17 (vi) *diminish occupational health or*
18 *safety;*

19 (vii) *diminish banking or financial*
20 *service standards; or*

21 (viii) *impair pensions; or*

22 (B) *the waiver pertains to taxation.*

23 (5) *WAIVERS FOR WHICH ALTERNATIVE MEAS-*
24 *URES REQUIRED.—*

1 (A) *IN GENERAL.*—*The Board may not*
2 *waive any procedural, administrative, or report-*
3 *ing requirement described in subparagraph (B)*
4 *unless the approved flexibility and coordination*
5 *plan for which the waiver is made contains, and*
6 *the eligible applicant for the plan commits to*
7 *undertake, alternative measures to replace the re-*
8 *quirement to be waived.*

9 (B) *REQUIREMENTS DESCRIBED.*—*Sub-*
10 *paragraph (A) refers to the following require-*
11 *ments:*

12 (i) *Any procedural, administrative, or*
13 *reporting requirement in any statute or reg-*
14 *ulation that establishes or enforces labor re-*
15 *lations or labor standards.*

16 (ii) *Any procedural, administrative, or*
17 *reporting requirement in any statute or reg-*
18 *ulation that establishes or enforces environ-*
19 *mental standards.*

20 (iii) *Any procedural, administrative,*
21 *or reporting requirement in any statute or*
22 *regulation that establishes or enforces edu-*
23 *cational equality or opportunity.*

1 (iv) *Any procedural, administrative, or*
 2 *reporting requirement in any statute or reg-*
 3 *ulation that protects public health or safety.*

4 (C) *FINDING BY THE BOARD.—The Board*
 5 *may not waive any requirement described in*
 6 *subparagraph (B) unless the Board determines*
 7 *that the alternative measures contained in the*
 8 *plan with respect to the waiver will maintain or*
 9 *advance national goals, standards, or protections*
 10 *as effectively as the waived requirement.*

11 (6) *STATE, LOCAL, OR TRIBAL AUTHORITY.—*
 12 *Nothing in this Act shall be construed to grant the*
 13 *Board or any eligible applicant authority to waive or*
 14 *otherwise preempt—*

15 (A) *any State, local, or tribal law or regu-*
 16 *lation; or*

17 (B) *any State plan for the use of Federal fi-*
 18 *nancial assistance.*

19 (7) *NOTICE OF REQUESTED WAIVERS.—Prior to*
 20 *submitting an application to the Board, eligible ap-*
 21 *plicants shall provide notice of all waivers of Federal,*
 22 *State, and local laws and regulations that are re-*
 23 *quested. Notice shall be provided to the community or*
 24 *communities deemed by the eligible applicant to be*
 25 *affected by the waivers via publication in a news-*

1 *paper of general circulation. Whenever possible, notice*
2 *of the requested waivers shall be provided as part of*
3 *the notice for the public hearing.*

4 *(e) MEMORANDA OF UNDERSTANDING REQUIRED.—*

5 *(1) IN GENERAL.—The Board may not approve*
6 *any part of a flexibility or coordination plan unless*
7 *each eligible applicant that would receive Federal fi-*
8 *nancial assistance administered under the plan enters*
9 *into a memorandum of understanding under this sub-*
10 *section with the Board.*

11 *(2) CONTENTS.—A memorandum of understand-*
12 *ing under this subsection shall specify all understand-*
13 *ings that have been reached among the Board, Federal*
14 *agencies that administer covered Federal financial as-*
15 *sistance programs under the flexibility or coordina-*
16 *tion plan, and approved applicants that are subject*
17 *to the plan, regarding the approval and implementa-*
18 *tion of all approved parts of the plan. The memoran-*
19 *dum shall include understandings with respect to—*

20 *(A) all requirements under covered Federal*
21 *financial assistance programs that are to be*
22 *waived under subsection (d);*

23 *(B) all State, local, or tribal statutory and*
24 *regulatory requirements that are to be waived;*

1 (C)(i) *the total amount of Federal funds*
 2 *that will be provided as benefits under or used*
 3 *to administer covered Federal financial assist-*
 4 *ance programs included in those parts; or*

5 (ii) *a mechanism for determining that*
 6 *amount, including specification of the total*
 7 *amount of Federal funds that will be provided or*
 8 *used under each covered Federal financial assist-*
 9 *ance program included in those parts;*

10 (D) *the amounts and sources of all non-Fed-*
 11 *eral funds and technical support that will be*
 12 *provided as benefits under or used to administer*
 13 *those parts; and*

14 (E) *measurable performance criteria that*
 15 *will be used during the effective period of those*
 16 *parts to determine the extent to which the goals*
 17 *and performance levels of the parts are achieved,*
 18 *and the data to be collected to make that deter-*
 19 *mination.*

20 (f) *LIMITATION ON CONFIDENTIALITY REQUIRE-*
 21 *MENTS.—The Board may not, as a condition of approval*
 22 *of any part of a flexibility or coordination plan or with*
 23 *respect to the implementation of an approved flexibility or*
 24 *coordination plan, establish any confidentiality require-*
 25 *ment that would—*

1 (1) *impede the exchange of information needed*
 2 *for the design or provision of benefits under the plan;*
 3 *or*

4 (2) *conflict with any law related to confidential-*
 5 *ity.*

6 (g) *CERTIFICATION BY PRESIDENT REQUIRED.—*

7 (1) *IN GENERAL.—A decision by the Board to*
 8 *approve or disapprove a flexibility or coordination*
 9 *plan under this section, or to terminate the effective-*
 10 *ness of such a plan under section 9, shall not be effec-*
 11 *tive until the end of the 60-day period beginning on*
 12 *the date the President certifies that the approval or*
 13 *disapproval is in accordance with this Act.*

14 (2) *TIME FOR CERTIFICATION.—The President*
 15 *shall make a certification for purposes of paragraph*
 16 *(1) regarding a decision of the Board, or issue a writ-*
 17 *ten finding that the certification may not be made,*
 18 *within 15 days after the date of the decision by the*
 19 *Board.*

20 **SEC. 9. IMPLEMENTATION OF APPROVED FLEXIBILITY OR**
 21 **COORDINATION PLANS.**

22 (a) *SPECIAL ASSISTANCE.—To the extent permitted by*
 23 *law, the head of each Federal agency shall seek to provide*
 24 *special assistance to an eligible applicant to support imple-*
 25 *mentation of an approved flexibility or coordination plan,*

1 *including expedited processing, priority funding, and tech-*
 2 *nical assistance.*

3 *(b) EVALUATION AND TERMINATION.—*

4 *(1) REPORTS AND EVALUATIONS BY APPROVED*
 5 *APPLICANTS, GENERALLY.—An eligible applicant for*
 6 *an approved flexibility or coordination plan, in ac-*
 7 *cordance with guidance issued by the Board, shall—*

8 *(A) submit any reports on and cooperate in*
 9 *any audits of the implementation of the plan;*
 10 *and*

11 *(B) periodically evaluate the effect imple-*
 12 *mentation of the plan has had on—*

13 *(i) individuals who receive benefits*
 14 *under the plan, including the specific sub-*
 15 *groups identified in the plan under section*
 16 *7(c)(5)(C)(iii)(IV);*

17 *(ii) communities in which those indi-*
 18 *viduals live; and*

19 *(iii) costs of administering and provid-*
 20 *ing assistance under covered Federal finan-*
 21 *cial assistance programs included in the*
 22 *plan.*

23 *(2) INITIAL 1-YEAR REPORT.—No later than 90*
 24 *days after the end of the 1-year period beginning on*
 25 *the date of the approval by the Board of an approved*

1 *flexibility or coordination plan of an eligible appli-*
2 *cant, and annually thereafter, the eligible applicant*
3 *shall submit to the Board a report on the principal*
4 *activities and achievements under the plan during the*
5 *period covered by the report, comparing those achieve-*
6 *ments to the goals and performance criteria included*
7 *in the plan under section 7(c)(5).*

8 (3) *TERMINATION OF PLAN BY BOARD.—*

9 (A) *IN GENERAL.—The Board may termi-*
10 *nate the effectiveness of an approved flexibility*
11 *or coordination plan if, after consultation with*
12 *the eligible applicant and the head of each Fed-*
13 *eral agency responsible for administering a cov-*
14 *ered Federal financial assistance program in-*
15 *cluded in the plan, the Board determines that—*

16 (i) *the goals and performance criteria*
17 *included in the plan under section 7(c)(5)*
18 *have not been met, and those goals and cri-*
19 *teria are sound;*

20 (ii) *the goals and performance criteria*
21 *included in the plan under section 7(c)(5)*
22 *are not sound, and the plan would not meet*
23 *goals and criteria that are sound;*

1 (iii) the eligible applicant for the plan
2 is unable to meet its commitments under
3 this Act; or

4 (iv) there has been fraud or abuse in-
5 volving Federal funds under the plan.

6 (B) *TRANSITION PERIOD.*—In terminating
7 an approved flexibility or coordination plan
8 under this paragraph, the Board shall allow a
9 reasonable period of time for appropriate Fed-
10 eral agencies and eligible applicants to resume
11 administration of Federal programs that are
12 covered Federal financial assistance programs
13 included in the plan.

14 (C) *EFFECTIVENESS OF DECISION TO TER-*
15 *MINATE.*—A decision by the Board to terminate
16 the effectiveness of a flexibility or coordination
17 plan shall take effect as provided in section 8(g).

18 (4) *REVOCATION OF WAIVER AUTHORIZED.*—The
19 Board may revoke a waiver under section 8(d) if the
20 Board finds that the eligible applicant—

21 (A) fails to comply with the requirements of
22 the plan;

23 (B) fails to make acceptable progress to-
24 wards achieving the goals and performance cri-

1 *teria included in the plan under section 7(c)(5);*
 2 *or*
 3 *(C) fails to use funds in accordance with the*
 4 *plan.*

5 *(c) FINAL REPORT; EXTENSION OF PLAN.—*

6 *(1) FINAL REPORT.—No later than 60 days be-*
 7 *fore the end of the effective period of an approved*
 8 *flexibility or coordination plan, the approved appli-*
 9 *cant shall submit to the Board a final report on its*
 10 *implementation of the plan, including a full evalua-*
 11 *tion of the successes and shortcomings of the plan and*
 12 *the effects of that implementation on individuals who*
 13 *receive benefits under covered Federal financial assist-*
 14 *ance programs under the plan.*

15 *(2) EXTENSION OF EFFECTIVE PERIOD OF*
 16 *PLAN.—The Board may extend the effective period of*
 17 *an approved flexibility or coordination plan for up to*
 18 *5 years, based on the report of an approved applicant*
 19 *under paragraph (1).*

20 **SEC. 10. COMMUNITY ADVISORY COMMITTEES.**

21 *(a) ESTABLISHMENT.—An eligible applicant that ap-*
 22 *plies for approval of a flexibility or coordination plan*
 23 *under this Act shall—*

1 (1) *designate an existing organization that meets*
2 *the requirements of subsection (c) to be a community*
3 *advisory committee for purposes of this section; or*

4 (2) *establish a community advisory committee in*
5 *accordance with this section.*

6 (b) *FUNCTIONS.—A community advisory committee*
7 *shall advise an eligible applicant in the development and*
8 *implementation of its flexibility or coordination plan, in-*
9 *cluding with respect to—*

10 (1) *conducting public hearings; and*

11 (2) *reviewing and commenting on all community*
12 *policies, programs, and actions under the plan that*
13 *affect low-income individuals and families, with the*
14 *purpose of ensuring maximum coordination and re-*
15 *sponsiveness of the plan in providing benefits under*
16 *the plan to those individuals and families.*

17 (c) *MEMBERSHIP.—The membership of a community*
18 *advisory committee shall—*

19 (1) *consist of—*

20 (A) *persons with leadership experience in*
21 *the private and voluntary sectors;*

22 (B) *local elected officials;*

23 (C) *representatives of participating quali-*
24 *fied organizations; and*

25 (D) *the general public; and*

1 (2) *include individuals and representatives of*
 2 *community organizations who will help to enhance*
 3 *the leadership role of the eligible applicant in develop-*
 4 *ing a flexibility or coordination plan.*

5 (d) *OPPORTUNITY FOR REVIEW AND COMMENT BY*
 6 *COMMITTEE.*—*Before submitting an application for ap-*
 7 *proval of a final proposed flexibility or coordination plan,*
 8 *an eligible applicant shall submit the final proposed plan*
 9 *for review and comment by the community advisory com-*
 10 *mittee designated or established under this section.*

11 (e) *COMMITTEE REVIEW OF REPORTS.*—*Before sub-*
 12 *mitting any annual or final report on an approved Federal*
 13 *assistance plan, an approved applicant shall submit the re-*
 14 *port for review and comment to the community advisory*
 15 *committee.*

16 **SEC. 11. TECHNICAL AND OTHER ASSISTANCE.**

17 (a) *TECHNICAL ASSISTANCE.*—*The Board may pro-*
 18 *vide, or direct the head of a Federal agency to provide, tech-*
 19 *nical assistance to an eligible applicant in developing infor-*
 20 *mation necessary for the design or implementation of a*
 21 *flexibility or coordination plan, if the eligible applicant*
 22 *submits a request that includes, in accordance with require-*
 23 *ments established by the Board—*

24 (1) *a description of the flexibility or coordina-*
 25 *tion plan the eligible applicant proposes to develop;*

1 (2) *a description of the groups of individuals to*
2 *whom benefits will be provided under covered Federal*
3 *financial assistance programs included in the plan;*
4 *and*

5 (3) *such assurances as the Board may require*
6 *that—*

7 (A) *in the development of the application to*
8 *be submitted under this Act for approval of the*
9 *plan, the eligible applicant will provide adequate*
10 *opportunities to participate to—*

11 (i) *individuals and families that will*
12 *receive benefits under covered Federal finan-*
13 *cial assistance programs included in the*
14 *plan; and*

15 (ii) *governmental agencies that admin-*
16 *ister those programs; and*

17 (B) *the plan will be developed after consid-*
18 *ering fully—*

19 (i) *the needs expressed by those indi-*
20 *viduals and families;*

21 (ii) *community priorities; and*

22 (iii) *available governmental resources*
23 *in the geographic area to which the plan*
24 *shall apply.*

1 (b) *DETAILS AND ASSIGNMENTS TO BOARD.*—At the
 2 request of the Board and with the approval of a Federal
 3 agency head who is a member of the Board, staff of the
 4 agency may be detailed or assigned to the Board on a non-
 5 reimbursable basis.

6 **SEC. 12. REPORTS BY BOARD.**

7 No less than 18 months after the date of the enactment
 8 of this Act, and annually thereafter, the Board shall submit
 9 a report to the President and the Congress on the Federal
 10 laws or regulations that are most frequently waived under
 11 section 8(d) with respect to approved flexibility or coordina-
 12 tion plans.

13 **SEC. 13. REPEAL.**

14 (a) *IN GENERAL.*—This Act is repealed on September
 15 30, 2001.

16 (b) *CONTINUED APPLICATION WITH RESPECT TO*
 17 *PLANS IN EFFECT.*—Notwithstanding subsection (a), this
 18 Act, as in effect immediately before the date specified in
 19 subsection (a), shall continue to apply to any approved
 20 flexibility or coordination plan in effect immediately before
 21 that date, and any waivers granted under section 8(d) with
 22 respect to such a plan shall continue in effect, until the end
 23 of the 6-month period beginning on the date of termination
 24 of effectiveness of the plan or waiver, respectively, in accord-
 25 ance with this Act.